

Pulaski County Special School District v.  
Kiffany Pride, et al.

June 11, 2018

<p>1 PULASKI COUNTY SPECIAL SCHOOL DISTRICT</p> <p>2</p> <p>3 IN THE MATTER OF:</p> <p>4 KIFFANY PRIDE</p> <p>5 LAURA SHIRLEY</p> <p>6 JENNIFER BEASLEY</p> <p>7 NICOLE TOWNSEND</p> <p>8 The above-entitled matter was heard by the Board of</p> <p>9 Education, on Monday, June 11, 2018, beginning at 6:07</p> <p>10 p.m., in the Board Room of the Administrative Offices,</p> <p>11 Pulaski County Special School District, 925 East Dixon</p> <p>12 Road, Little Rock, Pulaski County, Arkansas.</p> <p>13 BOARD MEMBERS:</p> <p>14 DR. LINDA REMELE (not present)</p> <p>15 SHELBY THOMAS</p> <p>16 BRIAN MAUNE</p> <p>17 MIKE KEMP</p> <p>18 ELI KELLER</p> <p>19 TINA WARD</p> <p>20 ALICIA GILLEN</p> <p>21 ON BEHALF OF THE DISTRICT:</p> <p>22 GEORGE 'JAY' BEQUETTE, JR., ESQ.</p> <p>23 Bequette &amp; Billingsley</p> <p>24 425 West Capitol Avenue, Suite 3200</p> <p>25 Little Rock, Arkansas 72201</p> <p>26 ON BEHALF OF THE EMPLOYEES:</p> <p>27 JOHN WALKER, ESQ.</p> <p>28 Walker Law Firm</p> <p>29 1723 Broadway</p> <p>30 Little Rock, Arkansas 72206</p>	<p>PCSSD v KIFFANY PRIDE; LAURA SHIRLEY; JENNIFER BEASLEY; NICOLE TOWNSEND, 06/11/2018</p> <p>1 I N D E X</p> <p>2</p> <p>3 Statement by Mr. Kemp 8</p> <p>4 Instructions by the Hearing Officer 9</p> <p>5 Motions by Mr. Walker 11</p> <p>6 WITNESSES</p> <p>7 DENISE PALMER</p> <p>8 Direct by Mr. Bequette 38</p> <p>9 Cross by Mr. Walker 41</p> <p>10 Examination by the Board 56</p> <p>11 PAUL BREWER</p> <p>12 Direct by Mr. Bequette 57</p> <p>13 Cross by Mr. Walker 67</p> <p>14 LINDA GOODWIN</p> <p>15 Direct by Mr. Walker 116</p> <p>16 SHAWN BURGESS</p> <p>17 Direct by Mr. Walker 122</p> <p>18 KIFFANY PRIDE</p> <p>19 Direct by Mr. Walker 124</p> <p>20 Examination by the board 128</p> <p>21 Redirect by Mr. Walker 128</p> <p>22 DR. YOLAUNDRAS WILLIAMS</p> <p>23 Direct by Mr. Walker 129</p> <p>24 NICOLE THOMPSON</p> <p>25 Direct by Mr. Walker 133</p>
<p>PCSSD v KIFFANY PRIDE; LAURA SHIRLEY; JENNIFER BEASLEY; NICOLE TOWNSEND, 06/11/2018</p> <p>1 A P P E A R A N C E S (continued):</p> <p>2 HEARING OFFICER:</p> <p>3 SHARON STREETT, ESQ.</p> <p>4 ALSO PRESENT:</p> <p>5 Dr. Janice Warren</p> <p>6 Paul Brewer</p> <p>7 Kiffany Pride</p> <p>8 Laura Shirley</p> <p>9 Jennifer Beasley</p> <p>10 Nicole Townsend</p> <p>11 Joy Springer</p> <p>12 Denise Palmer</p> <p>13 Linda Goodwin</p> <p>14 Shawn Burgess</p> <p>15 Dr. Yolaundra Williams</p> <p>16 Jo Ann Kohler</p> <p>17 ---o---</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>PCSSD v KIFFANY PRIDE; LAURA SHIRLEY; JENNIFER BEASLEY; NICOLE TOWNSEND, 06/11/2018</p> <p>1 Examination by the Hearing Officer 135</p> <p>2 LAURA SHIRLEY</p> <p>3 Direct by Mr. Walker 135</p> <p>4 JENNIFER BEASLEY</p> <p>5 Direct by Mr. Walker 142</p> <p>6 JO ANN KOHLER</p> <p>7 Direct by Mr. Walker 149</p> <p>8 DR. JANICE WARREN</p> <p>9 Direct by Mr. Walker 152</p> <p>10 Examination by the Hearing Officer 169</p> <p>11 Redirect by Mr. Walker 170</p> <p>12 Examination by the Board 171</p> <p>13 Further redirect by Mr. Walker 190</p> <p>14 Re-examination by the Board 196</p> <p>15 Further redirect by Mr. Walker 199</p> <p>16 EXHIBITS</p> <p>17 DISTRICT</p> <p>18 KIFFANY PRIDE</p> <p>19 1 Administrator's Contract for 2017-</p> <p>20 2018 School Year</p> <p>21 2 Notice of Non-Renewal from Dr. Janice</p> <p>22 Warren to Kiffany Pride, dated April</p> <p>23 27, 2018</p> <p>24 Reduction in Force Policy</p> <p>25 Certified Administrative Index 2017-</p>



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1 have rehired for '18-'19 school year?  
2 **MR. BEQUETTE:** I think that will be a  
3 question for Mr. Brewer, Mr. Maune.  
4 **MR. WALKER:** Well, Mr. Brewer -- it's  
5 speculation, he's an interim person, he's  
6 already retired, he has no authority for  
7 determining who would have been --  
8 **HEARING OFFICER:** Let's -- let's hear it  
9 from Mr. Brewer -- from Mr. Brewer. They are  
10 calling him as a witness, Mr. Walker.

11 EXAMINATION OF PAUL BREWER

12 **BY MR. BEQUETTE:**

13 Q Please identify your -- yourself for the record and  
14 your position in the district.

15 A I'm Paul Brewer, Interim CFO -- CEO of the Human  
16 Resources Department.

17 Q And, Mr. Brewer, this Spring, did you -- did you  
18 engage in the process of identifying some cost savings  
19 that could be done by either reducing the number of  
20 licensed staff and classified staff or changing contracts  
21 to reach or accrue savings?

22 A Let me clarify. In April school board meeting I  
23 presented the allocations for the following school year,  
24 '18-'19. And the Board took a look at those and asked  
25 me, and I assumed with Dr. Warren, directed us to: One,

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1 contact the new Superintendent that will be starting in  
2 July to get -- make sure that he knew kind of we were  
3 looking at reductions in -- in the Central Office; that  
4 was directed the Central Office. I did not say --  
5 We knew attrition would take place, as it always  
6 does, I believe around 20 teachers, which would be close  
7 to a million dollars.

8 If you can hire non-tenured teachers who maybe had  
9 30-40 years of experience and hire in new teachers with  
10 bachelor's degrees, it's a substantial savings to the  
11 district, which is what we try to do. It's never a  
12 perfect world but that's what we try to do.

13 At that meeting, I believe, Dr. Remele, along with  
14 other members of the Board, asked us to go back and look  
15 at the Central Office and see what cuts, if any, could be  
16 made, and to make sure that we included Dr. McNulty, who  
17 would be the new Superintendent, prior to making any kind  
18 of recommendations.

19 I did that.

20 Dr. Warren, unfortunately, lost a family member the  
21 following day, had to be out. She was out the following  
22 day. I knew I had about a week to get this done, along  
23 with her, hopefully.

24 I did not have Mr. McNulty's phone number. I called  
25 Dr. Remele and asked her if she had his number, because I

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1 found out -- I guess it was at the Tuesday meeting --  
2 found out Thursday, I guess, sometime that Dr. Warren  
3 would not be back until the following Tuesday. I didn't  
4 feel like I could wait that long to contact Dr. McNulty,  
5 so I called Dr. Remele, got his phone number, introduced  
6 myself, told him the task that he -- that the Board had  
7 asked us to work on. He appreciated that.

8 And so it certainly wasn't pointed at any  
9 individuals. Let me make sure the record stands  
10 straight, I never discussed with Ms. Gillen ever about  
11 any specific cuts to anybody in this district. That's  
12 never been discussed.

13 I did discuss it with Dr. Remele.

14 I talked to Dr. Tackett -- I know he's not here,  
15 but -- and I did talk to Will Reid because they were kind  
16 of heading up this -- I was not a part of that, don't  
17 know a lot about it, the School of Innovation, that maybe  
18 some ways that we need to look at in the future to maybe  
19 restructure some things. I don't know if they ever  
20 talked to Dr. McNulty or not; they never gave me that  
21 information and I didn't ask him.

22 In taking a look at the Central Office staff, what  
23 Dr. McNulty wanted to do was take a look at what we had  
24 in place now and how he might could restructure that and  
25 restructure some of the job descriptions to fit maybe

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1 what he wanted to do. But I explained to him, because of  
2 the May 1st deadline, that people would be  
3 automatically renewed and he would not have that  
4 opportunity if we waited until he got here. The people  
5 would be in place, their jobs would be as it stood, as it  
6 was last year.

7 He said that, "I would like to non-renew those  
8 people, interview them myself, take a look at what we  
9 have and bring in what we want to do." My understanding  
10 is he did talk to them, was very impressed with them, as  
11 I've always been. Very, very capable people and they are  
12 all, I consider, good colleagues of mine and friends.

13 The first person I cut was myself, because I didn't  
14 plan on coming next year.

15 **THE WITNESS:** And let me set the record  
16 real, real straight, John. Nobody has offered  
17 me a job in this district next year, because  
18 nobody here except the Superintendent can  
19 recommend that and the Superintendent won't be  
20 here until July 1.

21 I do plan to resign. I already resigned.

22 I got a letter just like these ladies did.

23 Mine just said I don't have a job.

24 Now, if the district would like for me to  
25 stay, that would be up to Dr. McNulty and this

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1 Board come July 1. I've been offered other  
2 jobs in other districts. Wanted to know if I  
3 would work another year. I said I hadn't made  
4 up my mind yet.

5 So -- and I do appreciate the \$180,000  
6 salary, that would be a good increase. I would  
7 appreciate that as well.

8 **HEARING OFFICER:** Are you saying that's  
9 not your salary, Mr. Brewer?

10 **THE WITNESS:** My salary is 129,000 plus  
11 benefits to be 169.

12 **HEARING OFFICER:** Thank you.

13 **THE WITNESS:** Salary next year, if I did  
14 stay in the position I'm in, would be \$11,000  
15 cut in pay.

16 I came back to the Board with the  
17 presentation that Dr. McNulty and I talked  
18 about.

19 Can you hand me that water, Jay? That  
20 taco salad is getting to me.

21 I came back to the Board and looked at  
22 ways we could consolidate some jobs. What  
23 Dr. McNulty said he would like to do is take  
24 the secondary principals himself, not have a  
25 secondary director; that cuts that position

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1 Ms. Laura, the Gifted and Talented, because I  
2 knew she had had the most seniority, to keep  
3 her salary at 12 months and leave it the same  
4 if she would take on that job. She chose not  
5 to.

6 I offered it to the next person in line,  
7 who was Jo Ann Kohler, and she accepted that  
8 position. So the cost savings with that, just  
9 doing away with the coordinator of ELL, was a  
10 savings of about \$80,000.

11 We did away with the -- well, I've already  
12 said that.

13 Altogether, if you cut these jobs -- but  
14 my understanding when I did make the  
15 presentation, that Dr. McNulty did plan on  
16 hiring back at least some if not all of these  
17 coordinators, administrators, and he planned to  
18 interview them when he comes back the last week  
19 of June. That was my understanding. That's  
20 the last discussion I've had with him.

21 Substantial savings, yes. Would some have  
22 to be put back, obviously that's what he wants  
23 to do if he gets permission from the Board to  
24 do so.

25 These positions are not allocated, but

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1 out, substantial savings. Also he planned to  
2 not -- he planned to rehire a Deputy  
3 Superintendent that would strictly be over the  
4 elementary principals, oversee all of the  
5 elementary; he would oversee the secondaries.

6 I did explain to him at that time I think  
7 that's a big task for a Superintendent to take  
8 on, but he said that's what he wanted to do,  
9 and who am I to argument.

10 So we looked at cutting salaries. Looked  
11 at our Director of Gifted and Talented and our  
12 Athletic Director. They, like a lot of our  
13 coaches work, they will work 11 months and  
14 actually be on the clock 12; that's the way  
15 most people are that work 11 months, but they  
16 all have responsibilities throughout the  
17 summer, but it was a cost savings; not a  
18 popular, by the way. And this certainly can't  
19 be done on popularity. I would rather give  
20 them all a raise rather than cut their jobs.

21 The Coordinator of our ESL, English as a  
22 Second Language, we thought we could  
23 consolidate that position in with one of the  
24 other jobs that was being cut and reduced to an  
25 11-month job. I first offered that to

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1 they could be added back if the Board chose to.

2 I hope I answered your question.

3 **BY MR. BEQUETTE:**

4 Q I think you did, Mr. Brewer. Can I ask you another  
5 one?

6 A I won't take as long.

7 Q Okay. So do you have the exhibit list and packet  
8 for Laura Shirley?

9 A Probably, if you gave it to me.

10 Q I did.

11 A What -- is that No. 1?

12 Q Here you go.

13 A What -- what exhibit is it?

14 Q Okay. So it's Exhibit 2 on Page 3.

15 A Okay.

16 Q And do you recognize this as the notice of a  
17 recommended -- recommended partial nonrenewal of Ms. --  
18 Dr. Shirley's contract?

19 A It is.

20 Q And is Reason No. 1 in this letter true?

21 A Yes.

22 Q And was Dr. Shirley the only person who had her  
23 contract days reduced?

24 A No.

25 Q Okay. Then let's turn to the -- the exhibit packet

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1 for Jennifer Beasley. Turn to Exhibit 2 on Page 3.  
2 **A Okay.**  
3 **Q** Ms. Beasley is a program administrator; correct?  
4 **A Yes.**  
5 **Q** And Ms. Beasley's contract is being non-renewed for  
6 the 2018-2019 school year; correct?  
7 **A Yes, correct.**  
8 **Q** Is Reason No. 1 in Exhibit 2 on Page 3 true?  
9 **HEARING OFFICER:** Exhibit 3 -- I mean, on  
10 Page 3?  
11 **BY MR. BEQUETTE:**  
12 **Q** Exhibit 2 on Page 3 in Beasley exhibit packet.  
13 **A Now, I'm not going to put a fly in the ointment.**  
14 **I'm just going to say that is true, not totally true,**  
15 **because there is a chance that some of these might**  
16 **possibly be brought back. This is true.**  
17 **Q** Okay. It's true as of right now?  
18 **A I can't forecast what Dr. McNulty might do.**  
19 **Q** But is it true as of today?  
20 **A As of today it's true.**  
21 **Q** Okay. Now then, turn to the exhibit packet for  
22 Nicole Townsend. Here you go, Mr. Brewer.  
23 **A All right.**  
24 **Q** Turn to Exhibit 2 on Page 3.  
25 **A Okay.**

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1 **Q** Is Ms. Townsend also a program administrator whose  
2 contract is being non-renewed for the 2018-2019 school  
3 year?  
4 **A It is.**  
5 **Q** And is Reason No. 1 on Exhibit 2, Page 3, true?  
6 **A Yes.**  
7 **Q** And I'm going to hand you the exhibit packet for  
8 Ms. -- Ms. Kiffany Pride.  
9 **A Okay.**  
10 **Q** Please turn to Exhibit 2 on Page 3. Ms. Pride is  
11 also a program administrator; correct?  
12 **A Yes.**  
13 **Q** And the recommendation was that her contract be  
14 non-renewed for the 2018-2019 school year; is that  
15 correct?  
16 **A Yes.**  
17 **Q** And is Reason No. 1 in Exhibit 2 on Page 3 true?  
18 **A Yes.**  
19 **Q** And so the letters for Ms. Beasley, Ms. Pride, and  
20 Ms. Townsend are the same because they were all three  
21 program administrators and their employment contracts  
22 were being recommended for nonrenewal for next school  
23 year in order to meet the district's needs to reduce  
24 expenditures and to match available revenue and to more  
25 efficiently manage district resources; correct?

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1 **A Yes.**  
2 **MR. BEQUETTE:** Okay. Pass the witness.  
3 **EXAMINATION OF PAUL BREWER**  
4 **BY MR. WALKER:**  
5 **Q** Now, Mr. Brewer, we've known each other for about 25  
6 years or more; right?  
7 **A Yeah. Thirty, I would think.**  
8 **HEARING OFFICER:** Mr. Walker, would you  
9 speak up just a little bit?  
10 **THE WITNESS:** We've been knowing each  
11 other for about 30 years.  
12 **HEARING OFFICER:** No, I meant Mr. Walker.  
13 **BY MR. WALKER:**  
14 **Q** You retired -- you retired from Camden-Fairview?  
15 **A Yes, sir.**  
16 **HEARING OFFICER:** We can't hear you,  
17 Mr. Walker.  
18 **MR. WALKER:** I'll speak up.  
19 **HEARING OFFICER:** Thank you.  
20 **MR. WALKER:** I don't have a microphone  
21 here. I'll do my best.  
22 **BY MR. WALKER:**  
23 **Q** You retired with your highest salary being \$75,000?  
24 **A Yeah, about 80,000, I think, John, by the time --**  
25 **Q** And then you came here in the Pulaski County School

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1 District and forced a salary of 120,000?  
2 **A 129.**  
3 **Q** Although you were retired at --  
4 **A 129 --**  
5 **Q** 129, and they forced it on you?  
6 **A They forced it.**  
7 **Q** And they gave you an interim contract; is that  
8 right?  
9 **A That's correct.**  
10 **Q** And that's been interim all these years; hasn't it?  
11 **A That's correct.**  
12 **Q** And could you explain to me why this Board never  
13 considered you as a permanent employee?  
14 **A This Board probably did expect me to be a permanent**  
15 **employee.**  
16 **Q** This one but not the last one?  
17 **A I don't know.**  
18 **Q** Why this Board?  
19 **A I don't know that this Board -- I made -- I made**  
20 **sure, and I'll --**  
21 **Q** You said this Board did, probably. So why?  
22 **A This -- this Board was made very well assured -- I**  
23 **assured them that I --**  
24 **MR. BEQUETTE:** This is irrelevant to the  
25 reasons we're here on today.

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1 **HEARING OFFICER:** I totally agree, but you  
2 have to object for me to rule on it.  
3 **MR. BEQUETTE:** Pardon?  
4 **HEARING OFFICER:** You have to object.  
5 **MR. BEQUETTE:** I am objecting. This  
6 relates to questions -- this line of  
7 questions --  
8 **MR. WALKER:** Ms. Streett -- Ms. Streett,  
9 this is a matter about cutting budgets, and  
10 we're talking about necessity --  
11 **HEARING OFFICER:** Okay. Okay.  
12 Mr. Walker, I don't think it matters --  
13 **MR. WALKER:** And we're talking about  
14 somebody who is just given a job, after he  
15 retires, for \$50,000 more than he ever made and  
16 he's doing nothing and he's interim all the  
17 time. What is that other than, per se, waste?  
18 **HEARING OFFICER:** It's not relevant to  
19 what you're here for, Mr. Walker --  
20 **MR. WALKER:** Well, it is because you're  
21 talking about budget cuts --  
22 **HEARING OFFICER:** So you're saying they  
23 should have gotten rid of him instead of them?  
24 **MR. WALKER:** They shouldn't have hired him  
25 in the first place, and they are required --

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1 **HEARING OFFICER:** Well, he just got  
2 through saying -- well, Mr. Walker that  
3 happened years ago.  
4 **MR. WALKER:** No, no. It wasn't. Just  
5 five years ago.  
6 **HEARING OFFICER:** It's years ago from  
7 here.  
8 **THE WITNESS:** It was nine years.  
9 **MR. WALKER:** Oh, nine years?  
10 Okay. Well, then, you're doing very well  
11 than --  
12 **HEARING OFFICER:** Let's move on,  
13 Mr. Walker. I don't think this is relevant.  
14 **THE WITNESS:** Well --  
15 **HEARING OFFICER:** We all know that  
16 Mr. Brewer is making a lot of money compared to  
17 other people sometimes.  
18 **BY MR. WALKER:**  
19 Q All right. Mr. Brewer, let me just come back to  
20 you. Are you friends with any of the board members?  
21 A Am I friends with any of them?  
22 Q Are you personal friends with any of the board  
23 members?  
24 A Probably Dr. Remele to some degree, because we've  
25 worked together here for several years.

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1 Q Anybody else?  
2 A No.  
3 **Well, I won't say they are not friends. They are**  
4 **not friends, like we don't go to Walmart together and**  
5 **drink Cokes or anything, but --**  
6 Q And now let me ask you this: On the issue of your  
7 responsibility in the past, did you ever develop budget  
8 cuts before this Board was -- was returned?  
9 A **We've cut the budget --**  
10 Q No. Did you --  
11 A -- every year --  
12 Q No. Did you, Paul Brewer, ever do so?  
13 A **I've never -- I don't have the power to cut the**  
14 **budget.**  
15 Q That's right.  
16 Did you ever make recommendations that were  
17 presented to Mr. Johnny Key, before this Board came back,  
18 that were over your name for budget cuts?  
19 A **No. I -- I presented them to Dr. Guess and he**  
20 **presented them to Dr. Key.**  
21 Q Dr. Guess was the one who made any recommendation  
22 for budget cuts; right?  
23 A **Well, he had me do it, but I had to turn around --**  
24 **he had me do it, yes. I get your point.**  
25 Q And then you had Ms. Burgess do it?

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1 A **Ms. Burgess and I work very closely together, but**  
2 **she handles most of the teaching center. She also works**  
3 **with the other administrators, but she has not worked**  
4 **with me on this project because of the instruction I was**  
5 **given that Dr. McNulty be involved, I did not include --**  
6 Q Do you recall --  
7 **COURT REPORTER:** I can't hear you,  
8 Mr. Brewer.  
9 **THE WITNESS:** I'm sorry.  
10 I did not include Shawn Burgess in this  
11 decision because of the direction that I was  
12 given to work through Dr. McNulty, so she was  
13 not involved.  
14 **BY MR. WALKER:**  
15 Q And you're saying this Board told you to work  
16 through Mr. McNulty -- Dr. McNulty?  
17 A **Said for me to give him a call and make sure he was**  
18 **aware of what we were doing and keeping him abreast of**  
19 **the things we were looking at cutting.**  
20 Q I can look for a board minute that said that. Have  
21 you seen such a board minute?  
22 A **I -- I hadn't.**  
23 **Says what?**  
24 Q That says what you said, that you are supposed to  
25 have Dr. McNulty involved in these decisions. Is there

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1 any board minute that says that?  
2 **A I don't know.**  
3 Q All right. Now, with respect to the Board, you said  
4 the Board directed you to make these cuts?  
5 **A I assumed it was me and Dr. Warren both.**  
6 Q Just a moment, listen to what I said. Let me talk.  
7 Did you say that the Board directed you to do it?  
8 **A I took it the Board meant for me and Dr. Warren to**  
9 **both take a look at cuts. Dr. Warren was not here; I**  
10 **felt like I couldn't get it done in one day, so I went**  
11 **ahead and talked to Dr. McNulty. I didn't have his**  
12 **number. I called Dr. Remele to get his phone number.**  
13 Q Just answer my question.  
14 **A I'm trying to answer it.**  
15 Q My question was did you state that the Board  
16 directed you to make these cuts?  
17 **HEARING OFFICER:** He's already --  
18 **THE WITNESS:** I didn't -- I didn't say it,  
19 but they actually did.  
20 **BY MR. WALKER:**  
21 Q All right. Now, was Dr. Warren present at the  
22 meeting where they asked you to do it?  
23 **A She was.**  
24 Q I see.  
25 Did they -- did she they tell them that she couldn't

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1 do it?  
2 **A I didn't hear her say she couldn't do it.**  
3 Q Did you have any discussion with her at all  
4 regarding any cuts? Yes or no?  
5 **A After she got back the following week.**  
6 Q Did you before she left?  
7 **A No. I did not.**  
8 Q After the board meeting the next day, did you talk  
9 to her about it?  
10 **A No. She was not here.**  
11 Q Okay. Tell me this, did you develop any written  
12 standards for cuts?  
13 **A No.**  
14 Q All right. Did you have any documents on which you  
15 relied for determining how much and how many you would  
16 cut?  
17 **A No.**  
18 Q So it was arbitrary on your part?  
19 **A Arbitrary on whatever cuts we could handle, however**  
20 **Dr. McNulty wanted to do it.**  
21 Q I see.  
22 Now, did you have any -- anything in writing from  
23 Dr. McNulty saying what he wanted?  
24 **A I do not.**  
25 Q I see.

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1 Did you send him any documents setting out what you  
2 were doing?  
3 **A Sent him job descriptions. He wrote back and took a**  
4 **look at the job descriptions and what changes he might**  
5 **want to make to them.**  
6 Q Do you recall we've asked you for all the documents  
7 between you and McNulty? Did you provide those to us?  
8 **A I didn't know you asked for them.**  
9 Q I asked for everything.  
10 **A I could give you the job description. I didn't know**  
11 **that you asked for them.**  
12 Q We have the job description.  
13 **A Yes. All right.**  
14 Q You said he wrote you back? Do you have any other  
15 communication that you --  
16 **A He didn't write me back. He sent back through a fax**  
17 **that he reviewed and made notes on there of the changes**  
18 **he wanted to make on the job descriptions.**  
19 Q I see.  
20 Now, did you -- did, to your knowledge, Dr. Warren  
21 talk to Dr. McNulty?  
22 **A I would assume she has. I don't --**  
23 Q Has she talked to him with you present?  
24 **A I don't think so.**  
25 Q All right.

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1 **A I don't recall it if she did.**  
2 Q Now, Mr. Brewer, you know that you have a RIF  
3 policy; right?  
4 **A We do.**  
5 Q And on the allocations there is a form that says --  
6 on the form -- there is a form that says, allocations of  
7 freeze; is that correct?  
8 **A No.**  
9 **Well, some positions are frozen. All the positions**  
10 **in any hiring down here is frozen. We were instructed**  
11 **that there would be no -- there would be a -- I think the**  
12 **Board minutes read that there is a temporary hiring**  
13 **freeze for the Central Office between now and when**  
14 **Dr. McNulty gets here.**  
15 **MR. WALKER:** I would like to -- I would  
16 like to have these passed out -- can you do  
17 it -- to the board members.  
18 **HEARING OFFICER:** Just go right ahead and  
19 pass them out.  
20 **MR. WALKER:** I'll let them be passed. I  
21 don't want to slip and fall.  
22 **HEARING OFFICER:** John, there's not enough  
23 of these. We need two more.  
24 **MR. WALKER:** Mr. Bequette, would you be  
25 kind enough to share yours with this witness?

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1 **THE WITNESS:** What have you got?  
2 **MR. BEQUETTE:** I don't know.  
3 **THE WITNESS:** Oh, well --  
4 **BY MR. WALKER:**  
5 Q All right. Mr. Brewer, I'm going to go over these  
6 exhibits with you.  
7 **A Okay.**  
8 Q Are you familiar with exhibit, which is marked at  
9 the top, one, Powers and Duties of the Board?  
10 **A I would say I'm somewhat familiar, as long as I've**  
11 **been in the school district. Powers and Duties of the**  
12 **Board.**  
13 Q Can you tell -- can you tell me what this document  
14 is? 1.7?  
15 **A It's the Powers and Duties of the Board; legal**  
16 **references, it gives that. I don't know if it's from a**  
17 **school board association. I'm not really sure where it**  
18 **came from.**  
19 Q It's also in your policy. Isn't it?  
20 **A It is.**  
21 Q All right. The next page is 1.31. That's another  
22 one of your policies. Isn't it?  
23 **A I'll take your word for it. I don't have anything**  
24 **in front of me.**  
25 Q Look at the top of the page?

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1 **A Yeah. School Board Member Code of Ethics.**  
2 Q You're aware that under the -- in the blackened  
3 areas, the Board is to "Function as a part of the  
4 legislative policy making body-not as an administrative  
5 officer." It's to "work through the administrative  
6 employees of the Board-not over or around them." Can't  
7 have secret sessions. Are you aware of that?  
8 **A Sure.**  
9 **Yes. I'm sorry.**  
10 Q This is the Reduction in Force Policy?  
11 **A This is the what?**  
12 Q Reduction in Force Policy.  
13 **A Oh, I'm sorry.**  
14 **Yes.**  
15 Q Now, part of your document -- part of your document  
16 with reductions has in it reduction in force; is that  
17 right?  
18 **A Yes.**  
19 Q Under your Reduction in Force Policy, isn't it true  
20 that if you're going to have a reduction in force policy,  
21 that you have to deal with all of the employees and then  
22 have objective standards before you do so?  
23 **A In the -- in the place of a true RIF, that's true.**  
24 Q All right. Now, when you had on your certified  
25 allocations the term "RIF," what did you refer to? Was

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1 it a true RIF or an untrue RIF, if there is such a thing?  
2 **A If it said -- if it says on the allocation true --**  
3 **"RIF delete," that means the job was non-renewed and that**  
4 **job was deleted from all allocations.**  
5 Q Well, there is nothing in your policy that says  
6 that, though; is there?  
7 **A No.**  
8 Q Here are the allocations -- do you have the  
9 allocation?  
10 **A No.**  
11 Q All right. This is -- let me make sure we -- you  
12 don't think I'm deceiving you.  
13 **A No. I know what it said. I can tell you.**  
14 Q All right. Call your attention to the allocations.  
15 **HEARING OFFICER:** Are you showing him  
16 something that the record needs to know what it  
17 is?  
18 **THE WITNESS:** He's showing me a copy of  
19 the allocations we're using for a question  
20 here.  
21 All of our RIFs -- all of your --  
22 **HEARING OFFICER:** Well, Mr. Walker, do you  
23 have that in your exhibits?  
24 **MR. WALKER:** Yes, it's in there.  
25 **HEARING OFFICER:** Okay. What number is

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1 it?  
2 **MS. WARD:** Seventeen.  
3 **HEARING OFFICER:** Okay.  
4 **BY MR. WALKER:**  
5 Q All right. We have on Page 4 of the allocations,  
6 Director of Elementary Education, RIF, Director of  
7 Secondary Education, RIF, and pro --  
8 **A Right.**  
9 Q You knew that wasn't a RIF. Didn't you?  
10 **A Yes.**  
11 Q Because you knew you had already received a  
12 resignation of those two people?  
13 **A It wouldn't have mattered.**  
14 Q Yeah, but you have a RIF --  
15 **A We are RIF'ing it -- no, we're not RIF'ing it. We**  
16 **are freezing it, because the Board might want to bring it**  
17 **back in the future.**  
18 Q All right. So it's RIF -- you've got a RIF and a  
19 freeze; right?  
20 **A That's correct.**  
21 Q So RIF and in parenthesis freeze, they mean the same  
22 thing; right?  
23 **A Freeze means we're not going to hire them back as a**  
24 **part of this allocation. It would take Board action and**  
25 **recommendation of a Superintendent.**

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1 Q Now, these program administrators are on Page 6;  
2 isn't that correct?  
3 A **That's correct.**  
4 Q That source of funding is what?  
5 A **NSLA.**  
6 Q This budget that Ms. Denise Palmer prepared does not  
7 involve NSLA, does it -- funding, does it?  
8 A **I -- I don't know.**  
9 Q You don't know? You're the person who made these  
10 decisions.  
11 A **About the NSLA?**  
12 Q No. No. You're the person who made the  
13 recommendations to the Board. The one-page document.  
14 A **Oh, that.**  
15 Q It's Exhibit 5.  
16 Now, this -- this says nothing about NSLA. Does it?  
17 A **That's correct.**  
18 Q Now, how much -- how much money did you save by  
19 cutting these teachers who were being paid out of NSLA?  
20 A **Five -- I'm going to say around 500,000.**  
21 Q All right. But it didn't come from the operating  
22 budget over here. Did it?  
23 A **No, I didn't -- that wasn't part of my thinking. I**  
24 **was just cutting the -- I was --**  
25 Q Now, that -- now, if that money is not spent, what

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1 happens to it?  
2 You lose it. Don't you?  
3 A **I don't think we lose it.**  
4 Q You don't?  
5 A **I think it's reallocated where you can use some of**  
6 **the district funds instead of using the NSLA funds.**  
7 Q But you don't know that. Do you, Mr. Brewer?  
8 A **I've got a pretty good idea. I've been doing it for**  
9 **20 years.**  
10 Q All right. Well, let me ask. If you're going to do  
11 that, if you're going to cut people, why did you  
12 submit -- why did you submit this document through  
13 Ms. Palmer in justification of your cuts when it has  
14 nothing to do with NSLA funds?  
15 A **Has to do with saving money.**  
16 Q Well, how much money did you set out to save?  
17 A **As much as we could and still --**  
18 Q How much is that, Mr. Brewer?  
19 A **As much as --**  
20 Q \$100 or \$10 million? How much was it?  
21 A **It ended up -- it ended up being, if we left all the**  
22 **RIFs as it was, about 1.2 million.**  
23 Q If you had? How much was it, Mr. Brewer, in the  
24 final analysis?  
25 A **That's about where it is now.**

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1 Q I see.  
2 A **Unless he doesn't hire anybody back. If he hires**  
3 **people back, then you have to subtract it for that**  
4 **amount.**  
5 Q How much of that comes out of NSLA funds?  
6 A **None of mine. None of my salary. I'm not paid out**  
7 **of NSLA funds.**  
8 **Dr. Tackett, I don't think, is paid out of NSLA**  
9 **funds.**  
10 Q All right. Did you ever have a discussion with  
11 Dr. Warren about how you could -- how you could  
12 effectuate these cuts?  
13 A **How I could do what?**  
14 Q How the cuts -- how the budget reductions that may  
15 have been desired could have been effectuated? Did you  
16 ever have such a discussion with her?  
17 A **We discussed that when she got back.**  
18 Q Well, tell me what day was that, sir?  
19 A **Tuesday.**  
20 Q Was that before the Board meeting?  
21 A **The following -- no, the following --**  
22 Q Was that before this Board meeting?  
23 A **The day before.**  
24 Q Did she tell you that she didn't agree with you?  
25 A **She did.**

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1 Q Did you tell her why you did it?  
2 A **I did.**  
3 Q Did she tell you she still didn't agree with it  
4 after you told her?  
5 A **She did.**  
6 Q All right. Now, you were aware that -- you had  
7 already prepared --  
8 A **Now, she didn't disagree with me cutting my salary,**  
9 **I didn't hear her say that; but she did disagree with the**  
10 **other.**  
11 Q All right. She told you also it wasn't necessary to  
12 reduce the district's budget by \$1 million to cut these  
13 people. Didn't she?  
14 A **What Dr. Warren --**  
15 Q Didn't she tell you that?  
16 **HEARING OFFICER: Let him -- let him**  
17 **answer, Mr. Walker.**  
18 **BY MR. WALKER:**  
19 Q Go ahead if you want to answer.  
20 A **What we discussed was that it would be much better**  
21 **for him to left everything in place and then recut it**  
22 **next year, if he chose to do it or resign. Now,**  
23 **that's -- that's Administration 101. If you take on a**  
24 **new job, you don't want to go in there and start changing**  
25 **things before you get in there, but he wanted a chance to**



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1 **have a start of these folks the way he may want to**  
2 **implement his program.**  
3 Q Did you get a call from Dr. McNulty asking you to  
4 make budget cuts?  
5 A No.  
6 Q So the call that -- that you had with Mr. McNulty --  
7 Dr. McNulty, was generated by this Board. Wasn't it?  
8 A **I was directed to make sure he was included.**  
9 Q I see.  
10 Now, did this Board ever tell you how much in cuts  
11 you were to effectuate?  
12 A No.  
13 Q Well, it could have been a hundred dollars or a  
14 thousand dollars?  
15 A **Could have been \$50, could have been 12 million.**  
16 Q I see.  
17 Now let's go on to the next exhibit.  
18 A **Where are we at?**  
19 Q Under the RIF, under the RIF Policy, the RIF policy  
20 says, "The Executive Director" -- this is No. 2 in the  
21 RIF policy, "The Executive Director of Human Resources  
22 will provide the Superintendent with a list of  
23 administrators in the administrative position(s) to be  
24 reduced ranked by administrative seniority.  
25 "The list prepared in item two (2) will be used to

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1 identify the person(s) with the least seniority within  
2 each administrative position that will be affected by the  
3 District's layoff."  
4 Now, did you -- did you provide such a list?  
5 A **We have such a list and --**  
6 Q Did you provide -- prepare such a list?  
7 A **We all -- we constantly have a list.**  
8 Q No --  
9 A **But these were nonrenewals; these were not RIFs.**  
10 Q It doesn't matter. Did you prepare a list for RIF?  
11 A **We keep a list for RIF. We constantly -- we're**  
12 **constantly updating it.**  
13 Q Well, just a moment.  
14 Did you prepare, on instructions from the Board, a  
15 list of the people to be considered for RIF?  
16 A **No, because we wasn't looking at RIF then.**  
17 Q Well, this document you have a dozen positions that  
18 are called RIFs. Don't you? Let me go over them and  
19 make sure, other than the ones we've covered.  
20 Page --  
21 A **Are you looking at the RIF policy or what are you --**  
22 Q I'm looking at the allocations.  
23 A **Allocation?**  
24 Q Yes.  
25 A **It will say "RIF freeze," which means we're not**

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1 **going to hire; it will say "RIF delete," which means that**  
2 **job disappears.**  
3 Q Oh, so you -- was it necessary -- tell me this: Why  
4 was it necessary -- since it wasn't district money, why  
5 was it necessary to have the jobs for these program  
6 administrators to disappear?  
7 A **So that he could rehire them under a different**  
8 **program. That was his reasoning.**  
9 Q His reasoning?  
10 A **Uh-huh.**  
11 Q Was that in writing anywhere?  
12 A **I hope not. Not that I'm aware of.**  
13 Q Why do you hope not?  
14 A **Well, because it -- it was his philosophy, what he**  
15 **wanted, what I was following direction of the Board.**  
16 **THE WITNESS: Can you hear me?**  
17 **COURT REPORTER: Yes, sir.**  
18 **THE WITNESS: Okay.**  
19 **BY MR. WALKER:**  
20 Q You were following the Board -- directions of the  
21 Board?  
22 A **To look at cost savings out of Central Office where**  
23 **we could find money to cut savings.**  
24 Q Well, now, the NSLA money doesn't go to any  
25 expenditure of the Central Office. Does it?

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1 A **It does with the hiring of these individuals here.**  
2 Q That's not included in your budget.  
3 A **It's got to be in the budget somewhere on federal**  
4 **money. Money is money, I mean.**  
5 Q But Ms. Palmer -- you heard Ms. Palmer say it's not  
6 included in this. Didn't you?  
7 A **I think that's what she said.**  
8 **THE WITNESS: Isn't that what you said?**  
9 **MS. PALMER: It's in the projected budget**  
10 **section --**  
11 **COURT REPORTER: I'm having trouble**  
12 **hearing Mr. Walker.**  
13 **HEARING OFFICER: Mr. Walker, either move**  
14 **your table this way some or -- or -- there you**  
15 **go, maybe sit up. We're -- this wall is**  
16 **blocking you.**  
17 **MR. WALKER: All right. I'll speak up.**  
18 **I'll speak up.**  
19 **HEARING OFFICER: Okay.**  
20 **BY MR. WALKER:**  
21 Q On Page 7, there is another position here, I don't  
22 know what it is, but it addresses Dr. Warren. And I  
23 don't guess you feel that your -- it says -- I guess this  
24 was anticipated. It says "new" and then "RIF" and then  
25 "contract". What does that mean?

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1 **A I don't have that document in front of me. If I**  
2 **could --**  
3 **Q** Look on Page 7 of your document.  
4 **A I don't have a document.**  
5 **Q** Here you go. You've got it up there.  
6 **A Oh, I do?**  
7 **Q** Yeah.  
8 **A I guess I have everything up here.**  
9 **Is that on the allocations?**  
10 **MS. SPRINGER:** Yes.  
11 **MR. WALKER:** Yes.  
12 **THE WITNESS:** I don't see the allocations  
13 in this packet.  
14 **MS. SPRINGER:** Underneath that.  
15 **THE WITNESS:** Oh, under here?  
16 **MS. SPRINGER:** Right here.  
17 **THE WITNESS:** No. That's not allocations.  
18 If I could just take a quick look at what  
19 you have.  
20 **MR. WALKER:** Here, give him this one.  
21 **BY MR. WALKER:**  
22 **Q** Go to Dr. Warren. Now hers is the only one that  
23 says those three things, and it seems to give you the  
24 option --  
25 **A What page are you looking at?**

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1 **Q** Page 7, I think it is.  
2 It seems to give you the options to reduce her,  
3 terminate her, or freeze her.  
4 Do you see Dr. Warren's allocation?  
5 **A Department Specialty Programs, Learning Services,**  
6 **recommended by John -- or Janice Warren, April 2nd.**  
7 **Q** No, look at the one where Dr. Warren's position is,  
8 and it says "RIF" at bottom?  
9 **HEARING OFFICER:** You-all need to show  
10 each other what you're looking at what, because  
11 what I'm --  
12 **MS. GILLEN:** I don't know what he's  
13 talking about.  
14 **HEARING OFFICER:** We don't know what  
15 you're talking about.  
16 **THE WITNESS:** Are you talking about  
17 Dr. Warren's position?  
18 **BY MR. WALKER:**  
19 **Q** Yeah, that's right. Let me show you. See --  
20 **A That's Page 4 -- 3.**  
21 **Q** You said that's three -- that's 8.  
22 **A That's Page 3.**  
23 **Q** That's Page 8?  
24 **HEARING OFFICER:** So what page are you-all  
25 on?

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1 **BY MR. WALKER:**  
2 **Q** Page 8. And it says, this is position and titles,  
3 it has Learning Services, then you had anticipated that  
4 there were going to be some positions new, RIF, contract?  
5 **HEARING OFFICER:** Okay. Now, wait a  
6 minute. It's important for the record, Page 8  
7 says, Department Elementary Principal --  
8 **MR. WALKER:** That's right.  
9 **HEARING OFFICER:** -- recommended by Janice  
10 Warren?  
11 **MR. WALKER:** That's the one.  
12 **HEARING OFFICER:** Is that the page you're  
13 on?  
14 **MR. WALKER:** That's the page I'm on, but  
15 there are no recommendations.  
16 **MR. BEQUETTE:** Object to the relevance of  
17 this line of questioning.  
18 **THE WITNESS:** Let me -- can I explain it?  
19 Hopefully this will clarify it.  
20 **MR. WALKER:** No. Just a moment. Let me  
21 ask you --  
22 **HEARING OFFICER:** Well, Mr. Walker, what's  
23 the relevance?  
24 **MR. WALKER:** Beg your pardon?  
25 **HEARING OFFICER:** What's the relevance

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1 here?  
2 **MR. WALKER:** The relevance here is to show  
3 that they anticipated RIFs.  
4 **THE WITNESS:** Can I clarify?  
5 **HEARING OFFICER:** Then --  
6 **MR. WALKER:** And since RIFs were  
7 anticipated, it is pretty clear that they  
8 didn't follow the RIF policy or even consider  
9 it.  
10 **HEARING OFFICER:** Okay. Let's let Mr. --  
11 **THE WITNESS:** Okay. If you look on Page 8  
12 under position and title --  
13 **HEARING OFFICER:** -- Brewer explain.  
14 **THE WITNESS:** -- source of funding, salary  
15 schedule range, and then it says, position,  
16 new, RIF, contract length, classified,  
17 transferred, no change, that's the reference  
18 point of what we're actually going to put down  
19 there as one of the --  
20 **HEARING OFFICER:** One of those, rather  
21 those are your choices?  
22 **THE WITNESS:** That's right.  
23 And underneath there Dr. Warren has  
24 recommended 13 -- 16 principals, an ABC  
25 Pre-School Principal/Director; and Assistant

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1 Principals, 10; funding change, the funding  
2 source is Teacher Salary, for the ABC person is  
3 the ABC Grant, and for the Assistant Principals  
4 is Teacher Salary. And it is --  
5 **HEARING OFFICER:** Okay. Let me ask you  
6 this: Where it says position, comment, are  
7 those all the possible choices?  
8 **THE WITNESS:** Yes.  
9 **HEARING OFFICER:** Okay. So --  
10 **THE WITNESS:** So if we were going to have  
11 RIFs or anything else over there, they would  
12 have been listed over there.  
13 **HEARING OFFICER:** They would have been  
14 circled or --or --  
15 **THE WITNESS:** It would have been listed,  
16 what positions --  
17 **HEARING OFFICER:** Okay. Those are just  
18 the options?  
19 **THE WITNESS:** Those are allocations,  
20 that's what we're going to hire, because every  
21 school has got to have a principal.  
22 **BY MR. WALKER:**  
23 Q Now, let me ask you, Mr. Brewer, in your efforts to  
24 reduce staff, did you take action to maintain a racially  
25 balanced certified staff?

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1 **A We always do that. Yes.**  
2 Q Did you do it in these RIFs that affected these four  
3 people?  
4 **A We did.**  
5 Q Isn't it true that the program administrators, these  
6 three, Beasley, Townsend, and Pride, worked at the  
7 elementary schools and they were the only program  
8 administrators?  
9 **A No. There was five.**  
10 Q There were five?  
11 There were two, but were the two other program  
12 administrators in the elementary schools?  
13 **A Some were secondary, some were --**  
14 Q How many were secondary?  
15 **A I don't know for sure.**  
16 Q Two. And weren't these -- were not these persons in  
17 the elementary section, and you recommended that all of  
18 them in the elementary section be -- be eliminated?  
19 **A I recommended all of them be eliminated --**  
20 Q Well, I understand.  
21 **A -- secondary and elementary.**  
22 Q Well, how does that maintain a racially balanced  
23 certified staff, where you have an objective -- the Board  
24 has an objective that was required by the Board to seek  
25 to recruit and retain identifiable minorities -- that's

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1 Page 135, No. 1?  
2 **HEARING OFFICER:** Okay. Mr. Walker, let  
3 me see if I can cut through some of this.  
4 Let me -- let me ask Mr. Brewer something.  
5 Mr. Brewer, is what you're saying is the  
6 Board directed you-all to look at Central  
7 Office staff and see what you could reduce?  
8 **THE WITNESS:** (Nodding head up and down.)  
9 **HEARING OFFICER:** And this was the result  
10 of your seeing what you could reduce?  
11 **THE WITNESS:** Yes.  
12 **HEARING OFFICER:** Not just these four  
13 people, but these four people plus --  
14 **THE WITNESS:** Plus myself, Danny Ebbs,  
15 John Tackett, Dr. Goodwin, who are all  
16 basically Caucasian.  
17 **HEARING OFFICER:** Okay. And so you're not  
18 looking at a district-wide RIF; you're looking  
19 at --  
20 **THE WITNESS:** Central Office.  
21 **HEARING OFFICER:** -- Central Office, how  
22 to reduce the staff in Central Office, per what  
23 the Board is wanting to do?  
24 **THE WITNESS:** Yes.  
25 **HEARING OFFICER:** Okay.

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1 **BY MR. WALKER:**  
2 Q Well, Mr. Brewer, that's not true, is it? You  
3 didn't -- you didn't affect your own office, other than  
4 yourself. Did you?  
5 You didn't -- you have -- you have a number of  
6 people --  
7 **A We have -- we had one that we cut, but we're hoping**  
8 **to get it replaced back by Dr. McNulty.**  
9 Q Just a minute.  
10 You have a number of employees who report through  
11 Ms. Burgess to you. Don't you?  
12 **A We have five --**  
13 Q Yes or no?  
14 **A Okay. Ask -- ask your question --**  
15 Q You have a number of persons who report to you in  
16 the personnel department. Don't you?  
17 **A All of them do.**  
18 Q All right. And it's at these five. Isn't that  
19 correct?  
20 **A (Nodding head up and down.)**  
21 **HEARING OFFICER:** Say yes or no,  
22 Mr. Brewer.  
23 **THE WITNESS:** Yes.  
24 **BY MR. WALKER:**  
25 Q All right. And you didn't recommend -- you didn't

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<p>PCSSD v KIFFANY PRIDE; LAURA SHIRLEY; JENNIFER BEAVER; NICOLE TOWNSEND, 06/11/2018 Page 97</p> <p>1 recommend that any of them lose their jobs. Did you?</p> <p>2 <b>A I did.</b></p> <p>3 Q Which one?</p> <p>4 <b>A Terri Williams.</b></p> <p>5 Q All right. Terri Williams. Was he [sic] a</p> <p>6 full-time employee?</p> <p>7 <b>A Yes.</b></p> <p>8 Q She has been -- she has been out of your office for</p> <p>9 a long time. Hasn't she?</p> <p>10 <b>A I'm well aware of that. The whole year.</b></p> <p>11 Q Okay. So at the time, of the current employees who</p> <p>12 are on a regular basis, you did not recommend that any of</p> <p>13 them be cut. Did you?</p> <p>14 <b>A Of our staff?</b></p> <p>15 Q Yes.</p> <p>16 <b>A We've cut two out in the last three years.</b></p> <p>17 Q In -- in this particular --</p> <p>18 <b>A No.</b></p> <p>19 <b>I do hope to get to replace the one we did cut.</b></p> <p>20 Q Now, you told this Board before -- do you recall, on</p> <p>21 April 19th, you said all of these cuts were made in</p> <p>22 consultation with Mr. John Tackett?</p> <p>23 <b>A No.</b></p> <p>24 Q Dr. Tackett?</p> <p>25 <b>A No.</b></p>	<p>PCSSD v KIFFANY PRIDE; LAURA SHIRLEY; JENNIFER BEAVER; NICOLE TOWNSEND, 06/11/2018 Page 99</p> <p>1 <b>MR. WALKER:</b> And you know we made that</p> <p>2 same objection with Mr. Kemp.</p> <p>3 <b>BY MR. WALKER:</b></p> <p>4 Q Now, you -- you have a lot of people in Central</p> <p>5 Office that you like?</p> <p>6 <b>A Not near as many as we used to have.</b></p> <p>7 Q You have a couple of hundred. Don't you?</p> <p>8 <b>A No.</b></p> <p>9 Q How many people are at the Central Office?</p> <p>10 <b>A I would guess right at 90 -- between 90 and 100.</b></p> <p>11 Q All right. But now the core, the people who address</p> <p>12 the educational component of the district are the program</p> <p>13 administrators; aren't they?</p> <p>14 <b>A I would say to some degree it's everybody that works</b></p> <p>15 <b>in this office.</b></p> <p>16 Q I understand, but the ones who have direct</p> <p>17 responsibility for curriculum are the program</p> <p>18 administrators. Isn't that correct?</p> <p>19 <b>A Yes. I would say that's not the only ones, but</b></p> <p>20 <b>those are certainly the major.</b></p> <p>21 Q Those are the ones -- those are the ones you cut;</p> <p>22 isn't that correct?</p> <p>23 <b>A It's the ones we recommended that their jobs be cut</b></p> <p>24 <b>so we can look at restructuring.</b></p> <p>25 Q Now, look, of that group you have six people -- five</p>
<p>PCSSD v KIFFANY PRIDE; LAURA SHIRLEY; JENNIFER BEAVER; NICOLE TOWNSEND, 06/11/2018 Page 98</p> <p>1 Q And you said they were made in consultation with</p> <p>2 Mr. Will Reid. Didn't you?</p> <p>3 <b>A They both discussed it with me. They had nothing to</b></p> <p>4 <b>do with the decision.</b></p> <p>5 Q Here is what I recall you saying, and I listened</p> <p>6 carefully. I went and I talked to them and we discussed</p> <p>7 these cuts.</p> <p>8 <b>A I didn't go and talk to them. They came to my</b></p> <p>9 <b>office and asked if they could visit with me.</b></p> <p>10 Q All right. So you went and consulted with them --</p> <p>11 <b>A No.</b></p> <p>12 <b>HEARING OFFICER:</b> No, Mr. Walker.</p> <p>13 <b>THE WITNESS:</b> No. They came to me after</p> <p>14 the --</p> <p>15 <b>HEARING OFFICER:</b> Mr. Walker, stop. Stop.</p> <p>16 Mr. Walker, when you ask a question, let</p> <p>17 Mr. Brewer finish his answer before you ask</p> <p>18 your next question.</p> <p>19 <b>MR. WALKER:</b> In all due respect, you don't</p> <p>20 have to yell at me.</p> <p>21 <b>HEARING OFFICER:</b> Do what?</p> <p>22 <b>MR. WALKER:</b> In all due respect, you don't</p> <p>23 have to yell at me.</p> <p>24 <b>HEARING OFFICER:</b> I'm sorry. I couldn't</p> <p>25 make myself heard.</p>	<p>PCSSD v KIFFANY PRIDE; LAURA SHIRLEY; JENNIFER BEAVER; NICOLE TOWNSEND, 06/11/2018 Page 100</p> <p>1 people?</p> <p>2 <b>A Five.</b></p> <p>3 Q And it was -- it was a majority African-American.</p> <p>4 Wasn't it?</p> <p>5 <b>A Three to two.</b></p> <p>6 Q That's right.</p> <p>7 <b>MR. BEQUETTE:</b> Objection. This is</p> <p>8 repetitive --</p> <p>9 <b>BY MR. WALKER:</b></p> <p>10 Q And in the district --</p> <p>11 <b>MR. BEQUETTE:</b> -- and it's argumentative.</p> <p>12 <b>HEARING OFFICER:</b> Okay. Mr. Walker, you</p> <p>13 told me earlier at the beginning when I asked</p> <p>14 you that you weren't complaining about these</p> <p>15 people being selected for an impermissible</p> <p>16 reason --</p> <p>17 <b>MR. WALKER:</b> No.</p> <p>18 <b>HEARING OFFICER:</b> -- but it was the</p> <p>19 process that you were having a problem with.</p> <p>20 <b>MR. WALKER:</b> No. No. I told you also</p> <p>21 that they had commitments that weren't being</p> <p>22 followed.</p> <p>23 <b>MR. BEQUETTE:</b> Well, that's in the deseg</p> <p>24 case.</p> <p>25 <b>HEARING OFFICER:</b> Okay. Okay. Wait just</p>

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1 a minute. That would be a process issue.  
2 **MR. WALKER:** Now, just a moment. We've  
3 got an exhibit before you. Part of the RIF  
4 policy that has been approved by the Board  
5 requires --  
6 **HEARING OFFICER:** Okay. But he's just  
7 said, we've just talked about that this is not  
8 a RIF.  
9 **MR. WALKER:** Well, he said it isn't but  
10 it's whatever he wants it to be.  
11 **MR. BEQUETTE:** Well, at this point he's  
12 beating a dead horse.  
13 **HEARING OFFICER:** Well, you can make that  
14 argument.  
15 **MR. BEQUETTE:** I mean this is repetitive.  
16 **HEARING OFFICER:** You can make that  
17 argument in your closing that it isn't what he  
18 says it is.  
19 **MR. WALKER:** All right. Look, look, look,  
20 we've been on this --  
21 **HEARING OFFICER:** I don't mean to -- I  
22 don't mean to shortcut you and I don't want to  
23 shortcut you, but I don't want to beat a dead  
24 horse either.  
25 **MR. WALKER:** Well, tell me this -- if it's

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1 didn't know how much.  
2 But let me ask the question.  
3 **BY MR. WALKER:**  
4 Q Did you have any standards that you followed before  
5 you took undertook this process?  
6 **MR. BEQUETTE:** This has been asked and  
7 answered. This is repetitive.  
8 **MR. WALKER:** Well, no, let -- you asked  
9 and answered to some degree --  
10 **HEARING OFFICER:** Let Mr. Brewer state it  
11 again.  
12 How did you decide on the people that you  
13 RIF'ed -- I mean, excuse me -- the people that  
14 you decided to put on this list.  
15 **THE WITNESS:** We looked at positions --  
16 number one, we looked at positions that could  
17 be consolidated.  
18 **HEARING OFFICER:** Okay. There is one  
19 criteria.  
20 **THE WITNESS:** Yeah.  
21 We also looked at jobs that maybe could be  
22 done in less time than a full year, that could  
23 be a substantial savings.  
24 **HEARING OFFICER:** To reduce the amount of  
25 days on a contract?

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1 part of the RIF policy, if this is part of the  
2 RIF policy, you cannot go in and RIF people who  
3 are of a certain -- of a certain  
4 characteristic, that what you are seeking to  
5 have them maintain and increase, and -- and  
6 then say we don't have to follow this policy,  
7 our own policy, and it's in your policy manual.  
8 **HEARING OFFICER:** So your objection to  
9 this tonight would be because it doesn't follow  
10 deseg, not because it didn't follow process?  
11 **MR. WALKER:** Well, also remember, the  
12 policy -- the law requires that he cannot make  
13 decisions on an arbitrary basis.  
14 **HEARING OFFICER:** Well --  
15 **MR. WALKER:** Now, he's told you in no  
16 uncertain terms that his decisions were  
17 arbitrary.  
18 **HEARING OFFICER:** Well, ask him what basis  
19 he did make it on.  
20 **MR. WALKER:** I did. And he said -- first  
21 of all I asked, Ms. Streett, if he had any  
22 written standards and he said, no, it was then  
23 that he just came up with something. And then  
24 I asked him what were they and he couldn't --  
25 he just said, I need to cut some money, and

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1 **THE WITNESS:** Days.  
2 We consolidated a couple of directors  
3 positions into one position. I've already said  
4 that, haven't I?  
5 We cut the CEO of the district back to an  
6 Assistant Superintendent, whoever that person  
7 might be. Okay? That's a substantial savings.  
8 We cut the Director of Secondary  
9 Education. We cut the Director of Elementary  
10 Education, but we're reintroducing a Deputy  
11 Superintendent, which is still a substantial  
12 savings.  
13 That was the criteria we used, along with  
14 Dr. McNulty, as to he wanted the chance to  
15 restructure how the curriculum and how these  
16 jobs that these ladies had could be  
17 restructured to fit more what he would want to  
18 have. He wanted a chance to come in,  
19 interview, and possibly hire all of them or  
20 part of them, along with whatever the Board  
21 would allow. That was my instructions.  
22 I came back and presented that stuff here  
23 at the Board, and the Board accepted those  
24 recommendations.  
25 **BY MR. WALKER:**

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<p>PCSSD v KIFFANY PRIDE; LAURA SHIRLEY; JENNIFER BEAUMONT; NICOLE TOWNSEND, 06/11/2018 Page 105</p> <p>1 Q Now, Will Reid had a department too there. Didn't 2 he? Technology? 3 <b>A Does he have a department? Yes.</b> 4 Q Yes. In the Central Office? 5 <b>A Yes.</b> 6 Q And he has 20 or 30 employees or more. Isn't that 7 correct? 8 <b>A Probably close to 20.</b> 9 Q Several of those people also give support to these 10 three -- these three people. Don't they? 11 <b>A They should. I don't know if they do.</b> 12 Q All right. But those support staff have been 13 retained by you, haven't they? 14 <b>A Support staff?</b> 15 Q Yes. The people who back them up in the schools, 16 they were retained? 17 <b>A He didn't cut anybody this year, that I'm aware of.</b> 18 Q He didn't -- you left it up to Mr. Reid to determine 19 who to cut? 20 <b>A No.</b> 21 Q So then why didn't you go to his department, since 22 you were dealing with the Central Office? 23 <b>A Because he had already had cuts in his department</b> 24 <b>the last three or four years.</b> 25 Q So -- so you were trying to balance this thing out</p>	<p>PCSSD v KIFFANY PRIDE; LAURA SHIRLEY; JENNIFER BEAUMONT; NICOLE TOWNSEND, 06/11/2018 Page 107</p> <p>1 developed and implemented before school starts? 2 <b>A I certainly think so, yes.</b> 3 Q All right. Isn't the normal path for people who 4 work in their positions to be working on that now and 5 through the summer and that's why they are 12-month 6 employees? 7 <b>A That's correct.</b> 8 Q And they are now -- at least the students of the 9 district won't be able to have them there as of July 1? 10 <b>A Probably not July 1. Possibly the week after.</b> 11 Q Possibly. But you have to then go through a posting 12 procedure. Don't you? 13 <b>A Unless they are hired as interim.</b> 14 Q Oh, unless they are hired as interim, like you? 15 <b>A That's right.</b> 16 Q All right. But now, your district policy, 17 Mr. Brewer, is to go ahead and post those positions, 18 isn't it? 19 <b>MR. BEQUETTE:</b> Objection. This is 20 irrelevant. 21 <b>MR. WALKER:</b> It is not irrelevant. We're 22 showing basically how the district -- how 23 the -- how the Board triggered elimination 24 of -- of a role for persons where education 25 would be diminished for no good cause.</p>
<p>PCSSD v KIFFANY PRIDE; LAURA SHIRLEY; JENNIFER BEAUMONT; NICOLE TOWNSEND, 06/11/2018 Page 106</p> <p>1 because some cuts that had been made in previous years 2 and, basically, when the Board told you to cut, you took 3 into account what you've already -- what had already been 4 done and you were just trying to get around to this 5 department because it had not been affected before? 6 <b>A That department had been affected before.</b> 7 Q Well then you're going and gutting it, because you 8 got rid of all them? 9 <b>A Not gutting it. My idea was that I thought he was</b> 10 <b>going to put some of them back.</b> 11 Q Okay. But as of now -- 12 <b>A As of now they don't have a job.</b> 13 Q As of now it's all -- that department is the only 14 one in your whole Central Office that's entirely gutted, 15 isn't it? 16 <b>A It's not entirely gutted. We've still got people up</b> 17 <b>there.</b> 18 Q The fact is -- 19 <b>HEARING OFFICER:</b> Let him answer. Let him 20 answer. 21 <b>BY MR. WALKER:</b> 22 Q It was only program administrators who were removed; 23 isn't that correct? 24 <b>A That's correct.</b> 25 Q Now, isn't it necessary for curriculum to be</p>	<p>PCSSD v KIFFANY PRIDE; LAURA SHIRLEY; JENNIFER BEAUMONT; NICOLE TOWNSEND, 06/11/2018 Page 108</p> <p>1 Now -- 2 <b>HEARING OFFICER:</b> Well, I think that's 3 your argument, you can make that argument, 4 Mr. Walker -- 5 <b>MR. WALKER:</b> Well, well -- 6 <b>HEARING OFFICER:</b> -- but I think he's 7 given you some criteria that he used to choose 8 these positions. 9 <b>MR. WALKER:</b> He just came up with those. 10 He first said he didn't have any. 11 <b>BY MR. WALKER:</b> 12 Q Now, my point, you didn't have any written criteria, 13 did you, Mr. Brewer? Just say -- 14 <b>A I hope I did not. I don't have one today.</b> 15 Q That's right. And whatever come to mind is what you 16 said? 17 <b>A Whatever I -- whatever the direction of the Board</b> 18 <b>and the new Superintendent, and along with Dr. Warren</b> 19 <b>asked me to do, I can either do that or go to the house.</b> 20 Q But Dr. Warren didn't you give you any criteria. 21 Did she? 22 <b>A Not on this subject, no.</b> 23 Q That's right. 24 <b>A On a lot of other subjects --</b> 25 <b>HEARING OFFICER:</b> Okay. Mr. Walker. I</p>

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1 think we've discussed that enough. Have you  
2 got other questions?  
3 **MR. WALKER:** Yes.  
4 **HEARING OFFICER:** Okay.  
5 **BY MR. WALKER:**  
6 Q Now, Mr. Brewer, do you recall telling me that you  
7 have had individual conversations with some of the board  
8 members?  
9 **HEARING OFFICER:** Mr. Walker, we can't  
10 hear you. I'm sorry.  
11 **BY MR. WALKER:**  
12 Q Do you recall informing me that you had had a  
13 conversation with some of the board members?  
14 **A No, I do not.**  
15 Q Are you saying that you have never spoken with  
16 Ms. Alicia Gillen about any of these subjects?  
17 **A I am.**  
18 Q Okay. And none of the other board members?  
19 **A Not that I'm aware of individually. They talked to**  
20 **me as a group about that.**  
21 Q Where? Where?  
22 **A Here.**  
23 Q In a -- in a public board meeting?  
24 **A Yes.**  
25 Q Other than on April 19th?

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1 **A April 10th.**  
2 Q April 10th?  
3 All right. And you do acknowledge that your  
4 decisions were somewhat arbitrary?  
5 **A Probably some. Not totally.**  
6 Q I see.  
7 Do you understand that you cannot engage, in dealing  
8 with employee decision making, you cannot engage in  
9 arbitrary decision making?  
10 **A Well --**  
11 Q You understand that that's the law. Don't you?  
12 **A I understand that's not. I understand not the way**  
13 **you're asking.**  
14 Q Okay. All right. Thank you.  
15 Let me go to the rest of my exhibits here.  
16 Did you -- did you tell the program administrators  
17 that they could reapply for any position?  
18 **A They could. Anybody can be apply for any position**  
19 **that they are qualified -- that are certified in.**  
20 Q Did you work with these persons in order to try to  
21 get them other jobs?  
22 **A They haven't asked me.**  
23 Q Maybe they didn't ask but did you go to them and  
24 say, we know you're important, we want to keep you,  
25 Dr. McNulty may want to keep you, but we want to see if

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1 there is something you can do?  
2 **A I met with them. I can't say what per se --**  
3 **THE WITNESS:** Can you hear me --  
4 **COURT REPORTER:** (Nodding head up and  
5 down.)  
6 **THE WITNESS:** I don't remember exactly  
7 what I said. I wanted them to know this was  
8 certainly no job performance recommendation, it  
9 wasn't anything against their job performance  
10 here, it was strictly a restructuring of a new  
11 Superintendent, and that's what they had a new  
12 opportunity to do. But I did tell them I  
13 certainly enjoyed working with them, I hoped  
14 that all of them had an opportunity to come  
15 back. But I'll certainly give them a  
16 recommendation where ever they wanted to apply  
17 and they need a recommendation.  
18 **BY MR. WALKER:**  
19 Q Well, let me go ahead and ask you, did you discuss  
20 Ms. Palmer's budget with her before you made the  
21 recommended cuts?  
22 **A No. I heard her make the recommendation. I heard**  
23 **her make the presentation to the Board meeting.**  
24 Q I see.  
25 But you didn't discuss --

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1 **A No.**  
2 Q -- the budget?  
3 All right. Is it your testimony that McNulty told  
4 you to non-renew these people? Yes or no?  
5 **A Well, it's not a yes or no question.**  
6 Q Did he tell you to non-renew these people?  
7 **A He told me what he would like to do, and I said, in**  
8 **order to do that, I made sure that he understood that if**  
9 **I give these ladies a letter that says, your job is**  
10 **non-renewed, that they are basically losing their job.**  
11 **He said, I understand that, but what I would like to do**  
12 **is have the opportunity to come and visit with them --**  
13 **and I think he did -- talk to them about possibly**  
14 **rehiring them into a position similar to what they had**  
15 **but maybe with a different structure.**  
16 **And I think I've answered that three or four times**  
17 **already.**  
18 Q All right. Let me ask you --  
19 **A So it's not a yes or no. He didn't say, yeah, y'all**  
20 **get rid of these people. It wasn't quite like that.**  
21 Q Did you -- you indicated that he told you that -- to  
22 see if some of the jobs could be consolidated?  
23 **MR. BEQUETTE:** Objection. This is ground  
24 that's already been plowed.  
25 **MR. WALKER:** I have not finished my

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1 question.  
2 **BY MR. WALKER:**  
3 Q Which jobs did you determine could be consolidated?  
4 **MR. BEQUETTE:** Same objection.  
5 **THE WITNESS:** The Elementary Director and  
6 the Deputy Superintendent. You can eliminate  
7 one of those because both of them have about --  
8 approximately, the same job description.  
9 **BY MR. WALKER:**  
10 Q Well, among the people, these program  
11 administrators, have any of those jobs been consolidated?  
12 **A Well, I don't know. I haven't looked at the --**  
13 **talking about their job --**  
14 Q Yes.  
15 **A -- being eliminated? Possibly they could be part of**  
16 **the restructure they he has in mind.**  
17 Q Do you know what these people actually did,  
18 Mr. Brewer?  
19 **A Not day to day. I mean, I kind of knew their**  
20 **responsibilities.**  
21 **MR. WALKER:** Thank you.  
22 **THE WITNESS:** You're welcome.  
23 **MR. BEQUETTE:** No further questions.  
24 **HEARING OFFICER:** Any --  
25 **MR. BEQUETTE:** That concludes the

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1 district's presentation.  
2 **HEARING OFFICER:** Mr. Walker, do you have  
3 any witnesses?  
4 **MR. WALKER:** Yes. Ms. Gillen.  
5 **HEARING OFFICER:** We're not calling --  
6 **MR. BEQUETTE:** We object to calling the  
7 board members, any board members as witnesses.  
8 **HEARING OFFICER:** We're not going to call  
9 a board member.  
10 **MR. WALKER:** If we could call Ms. Gillen  
11 we would proffer that she was involved in the  
12 beginning in August, in September, she was  
13 involved with the Maumelle Chamber of Commerce.  
14 **MS. GILLEN:** Is there an objection  
15 standing?  
16 **HEARING OFFICER:** Mr. Walker, the way a  
17 proffer works is you can make that after the  
18 meeting and you can put it in writing and we'll  
19 put it in.  
20 Have -- I need to -- I also need to look  
21 at the Board rules to see if a proffer is even  
22 appropriate for a board meeting, I'm not  
23 familiar with any rule.  
24 Can you call a witness that is going to  
25 say what you want to put in from her?

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1 **MR. WALKER:** I didn't understand you.  
2 **HEARING OFFICER:** Is this just -- I mean,  
3 have you got a witness?  
4 **MR. WALKER:** I mean, I --  
5 **HEARING OFFICER:** Other than her?  
6 **MR. WALKER:** I have a -- I have the  
7 documents and they are -- they are before the  
8 Board.  
9 **HEARING OFFICER:** Okay. Do you want to  
10 tell us which documents we should look at?  
11 **MR. WALKER:** Well, he --  
12 **MR. BEQUETTE:** This sounds like argument.  
13 **HEARING OFFICER:** I think it is, but he  
14 says he's got an exhibit so I think he can  
15 point out the exhibits.  
16 **MR. WALKER:** I don't know how the exhibits  
17 can sound like arguing, Mr. Bequette.  
18 **MR. BEQUETTE:** Well, the argument --  
19 **HEARING OFFICER:** That --  
20 **MR. WALKER:** The exhibit here is Exhibit  
21 5 -- Exhibit 5.  
22 **HEARING OFFICER:** Okay. Mr. Walker, if  
23 you've got -- No. 5?  
24 **MR. WALKER:** Yes.  
25 **HEARING OFFICER:** Okay. Anything else?

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1 **MR. WALKER:** Since you are not allowing me  
2 to call her at this time and I -- I'll call  
3 Dr. Warren.  
4 No, instead of Dr. Warren, Ms. --  
5 Dr. Goodwin. I'm sorry.  
6 **EXAMINATION OF DR. LINDA GOODWIN**  
7 **BY MR. WALKER:**  
8 Q State your name, please.  
9 **A Linda Goodwin.**  
10 Q Ms. Goodwin, are you employed by the Pulaski County  
11 Special School District?  
12 **A Yes, sir.**  
13 Q What is your capacity?  
14 **A Interim Director of Elementary Education.**  
15 Q Were you serving in that position during the month  
16 of April of this year?  
17 **A Yes, sir.**  
18 Q Did you -- did Dr. -- did Mr. Brewer ever come to  
19 you to discuss budget reductions with you --  
20 **A No, sir.**  
21 Q -- regarding the people in your --  
22 **A No, sir.**  
23 Q Were these program administrators -- look at the  
24 Board. Were these program administrators working under  
25 your supervision?